

March 22, 1976

SENATOR MAHONEY: Senator Cavanaugh has withdrawn his amendment. There is objection from Senator Marsh. Senator Marsh. The Clerk states that he can withdraw his amendment. Now we are ready to move the bill. The bill hasn't returned so it is still on Select and it is ready to move? The bill is there. So then we will move on as stated. Mr. Speaker, we will go to 434?

CLERK: Mr. President, LB 434, the E & R amendments have been adopted. Senator Schmit offered a series of amendments which are presently under consideration.

SENATOR MAHONEY: Senator Schmit, are you prepared with your amendments?

SENATOR SCHMIT: Mr. President, members of the Legislature. Mr. President, members of the Legislature, the bill you have before you at the present time has been discussed at great length. Will the Clerk read the motion that is coming up at the present time?

CLERK: Mr. President, according to my records, there is pending an amendment to, I guess we are on section 21, Mr. President, and pending to section 21 is an amendment offered by Senator Cavanaugh which is found on page 1258 of the Legislative Journal.

SENATOR MAHONEY: Senator Schmit, we will then...Senator Cavanaugh, are you prepared for your amendment? Would you repeat once more, Mr. Clerk, what section it is.

CLERK: Mr. President, we have under consideration the Schmit amendment, section 21, and Senator Cavanaugh offered an amendment to section 21 which is found on page 1258 of the Legislative Journal. That would read as follows: Read amendment. Signed Senator Cavanaugh.

SENATOR MAHONEY: Senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President, members of the Legislature, this is the section of the bill which provides for a person to elect not to come under the terms of the bill, that he must file with the Director of the Department of Insurance his decision not to come under the terms of the bill and that that decision, then, is good for two years. This amendment would provide that an individual or patient would not come under the terms of the bill unless they filed such a declaration with the Director of the Department of Insurance that they chose to come under the terms of the bill. So this is the reverse of what is currently in the bill. Under the current terms, you have to elect out or else you are in and covered by the terms of this bill and you give up all other rights and remedies that you would have under the common law and former law of the State of Nebraska, present law of the State of Nebraska. If you adopt this amendment, you must voluntarily and knowingly file such a statement that you wish to limit your rights and privileges in the manner prescribed by LB 434. I think that in the absence of this amendment